

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5070 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

MANEKLAL MAGANLAL GANDHI

Versus

BHANUPRASAD K UPADHYAY

Appearance:

MR JD AJMERA for Petitioner
None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/06/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the petitioner and perused the judgment of the Gujarat Secondary Education Tribunal at Ahmedabad, dated 18th October, 1985 in Application No.1 of 1984.

#. I find sufficient merits in the contention of the learned counsel for the petitioner that the Tribunal has committed error in giving direction to the petitioner to make payment of revised pay scale to the respondent-employee and arrears thereof. The school is receiving grant-in-aid and if the Tribunal found the respondent-employee to be entitled for the revised pay scale, then this is to be paid by the Government and not by the petitioner. The Tribunal has though accepted this, but recorded its inability to give any direction to the Government as it has no power to give any direction to the Government. Though it is not the matter where this question has to be decided finally but in the facts of the case, the Tribunal could have observed that this amount has to be paid by the Government. In fact it may not be direction against the Government strictly. It is only consequential act to be followed by the State Government. Be that as it may, it is hereby ordered that the liability to pay all the arrears of the revised pay scale and pay in the revised pay scale to the respondent-employee shall be of the State of Gujarat as the school is receiving grant-in-aid. Rule is made absolute accordingly with no order as to costs.

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(sunil)